



Entered on Docket
January 05, 2011


Hon. Linda B. Riegle
United States Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT

FOR THE DISTRICT OF NEVADA

In re:

TWAIN CONDOMINIUMS, LLC,

Debtor.

Case No.: 10-33323-LBR
Chapter 11

Date: December 23, 2010
Time: 9:30 a.m.

**ORDER RE: EMERGENCY MOTION FOR ENTRY OF AN INTERIM ORDER
PURSUANT TO BANKRUPTCY RULE 4001(b) AND LR 4001(b): (1) PRELIMINARILY
DETERMINING EXTENT OF CASH COLLATERAL AND AUTHORIZING INTERIM
USE OF CASH COLLATERAL BY DEBTOR; AND (2) SCHEDULING A FINAL
HEARING TO DETERMINE EXTENT OF CASH COLLATERAL AND
AUTHORIZING USE OF CASH COLLATERAL BY DEBTOR**

The Court having conducted a hearing with respect to Debtor's Emergency Motion for Entry of an Interim Order Pursuant to Bankruptcy Rule 4001(B) and LR 4001(B): (1) Preliminarily Determining Extent of Cash Collateral and Authorizing Interim Use of Cash Collateral by Debtor; and (2) Scheduling a Final Hearing to Determine Extent of Cash Collateral and Authorizing Use of Cash Collateral by Debtor (the "Motion"), and the Budget attached

thereto, as filed by the above-captioned debtor and debtor-in-possession (the "Debtor");¹ all appearances having been noted in the record; the Court having reviewed the Motion, and the other declaration, pleadings and papers on file, and having heard the argument of counsel; the Court having stated its findings of fact and conclusions of law on the record at the hearing, which are incorporated herein by reference in accordance with Fed. R. Civ. P. 52, made applicable pursuant to Fed. R. Bankr. P. 9014(c); it appearing that the relief requested in the Motion is necessary in order to avert potentially immediate and irreparable harm to Debtor, and is in the best interest of the Debtor, its estate, its creditors, and all parties in interest; and after due deliberation and sufficient cause appearing therefor, **IT IS HEREBY ORDERED** as follows:

1. The Motion is granted;

2. The Court makes no determination limiting the extent of the Cash Collateral at this time;

3. Subject to the terms and conditions set forth in the Motion and the Budget, Debtor is hereby authorized and approved to use Cash Collateral on an interim basis pursuant Fed. R. Bankr. P. 4001(b) and LR 4001(b) for a period up to and including the date of entry of a final order;

4. Debtor is authorized to use Cash on Hand, the Deposit Accounts and Post-Petition Cash only as necessary to satisfy its actual, ongoing, post-petition obligations as identified in the Budget.

5. Debtor's interim use of Cash Collateral shall not exceed the amount set forth in the Budge unless approved and authorized in writing by secured creditor City National Bank, N.A., or the Bankruptcy Court;

6. Debtor shall segregate and fully account for all Cash Collateral in Debtor's debtor-in-possession account;

7. There is no stay of this Order pursuant to Fed. R. Bankr. P. 6004(h);

8. The Court shall hold a final hearing on the Motion on January 12, 2011, at 2:00

¹ Terms not otherwise defined herein are as defined in the Motion.

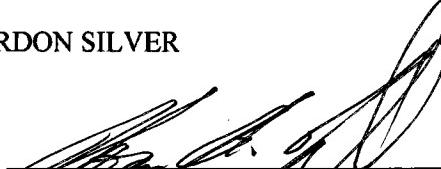
1 p.m.; and

2 9. Notice of the Motion was appropriate under the circumstances of this Chapter 11
3 Case.

4 **IT IS SO ORDERED.**

5 PREPARED AND SUBMITTED:

6 GORDON SILVER

7 By: 
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By: 
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12 Attorney for City National Bank

13 **LR 9021 CERTIFICATION**

14 In accordance with LR 9021, counsel submitting this document certifies that the order
15 accurately reflects the court's ruling and that (check one):

- 16
- 17 The court waived the requirement of approval under LR 9021(b)(1).
- 18 No party appeared at the hearing or filed an objection to the motion.
- 19 I have delivered a copy of this proposed order to all counsel who
20 appeared at the hearing, and any unrepresented parties who appeared at
the hearing, and each has approved or disapproved the order, or failed to
21 respond, as indicated below:
- 22 I certify that this is a case under Chapter 7 or 13, that I have served a
23 copy of this order with the motion pursuant to LR 9014(g), and that no
party has objection to the form or content of the order.
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